

# THE RIGHT and DUTY OF THE Commons of London, IN THE Election of Sheriffs, and other Officers: Recommended to the COMMON-HALL

**T**HE Seizing of Charters, and the Invasion made upon the Freedom and Privileges of Corporations, having given great occasion to the late Revolution, the Parliament have therefore thought it necessary as well as just, to restore all Cities, as well as Burroughs, and particularly the Metropolis of London, to all their Ancient Rights, Privileges, and Legal Customs: Of which we should not only shew our selves unworthy, but prove treacherous both to our selves, and to our Posterity, in case that our sapient Councils we neglect, as occasion offereth, to claim and assert them. So that having suffer'd our selves to be eluded of the Annual Choice of Town-Clerk, and Common-Sergeant, it becomes all true Citizens to retrieve and recover that Ancient, Legal, and undoubted Right and Privilege: Seeing it is expressly granted in our Charters, which have been ratified and confirmed in so many Parliaments, *That the Chamberlain, Common-Clerk, and Common-Sergeant of the City of London shall be chosen by the Commonalty of the said City, and removed when they will.*

And whereas among other Privileges vested in the Commons of London, that of having a Sheriffwick belonging unto them, with a Right of electing annually two Sheriffs, is one of the most important, and the wresting whereof from them hath been attended with fatal Consequences, in relation both to their Persons and Estates; it is hop'd that no man will so far abandon his own safety, or betray the Corporation, as to suffer themselves to be divested of it, or permit it to be invaded, under pretence of submission unto, and complying with a late foolish and unjust usage. For the Right of chusing Two as well as One Sheriff, is equally conveyed unto, and settled upon the Commons of London, both by the Laws of England, and by the many Char-

ters that hath been granted and ratified unto them. Which appears not only by the Charters at large, and the several Insinuations confirming these from the Reign of Henry I. Ann. 1100, through all the successive Reigns, till this present time, but that the Commons had the Sheriffwick belonging unto them as their Freehold and Birthright by Common-Law, is evident by the Statute of Edm. I. chap. 8. & 13. Cokes Notes upon it, 2 Inst. Fol. 158. and by Lambard in his *Serm. Legum*. *Etiam* many men commit the Words of the Charters, and then tell me whether the Commons of London have not been, and are to this day, injuriously usurp'd upon.

Know ye, say the Charters, *That we have granted, and by this our present Writing, confirm to our Citizens of London, the Sheriffwick of London and Middlesex, with all the Customs, and things within and without, by Land, and by Water, to have and to hold to them, and to their Heirs, paying therefore 300 blank Sterling Money, as two payments.* And farther, *we have granted to the Citizens of London, That they amongst themselves, may make Sheriffs whom they will, and may remove them when they will.* And those whom they shall make Sheriffs, they shall present to our Justices on the Exchequer, to answer us for those things, which to the said Sheriffwick do appertain, wherof they ought to answer us. And unless they shall sufficiently answer and satisfy, the Citizens shall answer and satisfy for the Sherement and Town. And that the Sheriffs of the City aforesaid, after the Tenor of the Charters thereof made, be chosen, and removed.

But now, tho the Right of chusing annually two Sheriffs, be as fully vested in the Commons of London, as Words can settle and convey it, yet through a neglect in the Citizens of maintaining their own Rights, and through an Usurpation of some in Authority to advance the Privilege of the Mayor, The Citizens have greatly

Lib. K in Archivis London, fol. 120.  
Hen. I. King  
John Ed. 1.  
2. 3 Ric. 2.  
Hen. 3. 5. 6.  
Ed. 4 Ric. 3.  
Hen. 7. 8.  
Q. Mary. Q. B.  
Ric. 2. & Insinuat. 6 Jacob.  
Ex Original.  
Carta. 1 Johannis.

Lib. Alb. fol. 13. 6. 11 Hen. 3. 12 Ed. 2. 7 Ric. 2.

greatly suffer'd by an Invasion upon this their Ancient and undoubted Privilege. And when their Present Majesties have been willing to restore unto all their People, the Rights and Liberties that had been wrested from them under the late unhappy Reigns, it is the misfortune of the *Commons of London*, to have their invaded and withheld, by the revival of a Custom of my Lord Mayor's drinking to one under the Denomination of Sheriff, to be confirmed by the *Common-Hall*. The renewing of which Custom is the more reprehensible, as well as injurious at this time, because it is the reviving of a Claim that was of late exploded, as well as it was at first usurped. All that was anciently pretended unto by my Lord Mayor, was the bare naming and proposing of one that might be fit to be chosen Sheriff, which was conniv'd at, and submitted unto upon a supposal, That he, by reason of his Acquaintance and Converse with the Citizens, might understand better than others, who had the most Qualifications proper and necessary to so weighty and important an Office. Nor was this naked naming, challenged as a Prerogative appertaining to the Chair, but it was devolved upon, and lodged with the Mayor, at the request and desire of the Citizens. For the Justices of Assize being empower'd by an Act made in the 2<sup>th</sup> of *Edw. 3.* to inquire into the Misdemeanours of Sheriffs, and to punish them as Law and Reason should require; many thereof became apprehensive of the Danger attending the discharge of that Office, and therefore instead of courting it, endeavour'd to avoid and decline it. And under this allowance on this occasion vouchsafed by the Citizens to the Mayor, so far was his Nomination from lessening, and much more from infringing the Right of the *Commons* in the Election of Sheriffs, that they not only several times forbore choosing those whom the Mayors had proposed, as in the 42<sup>nd</sup> and 43<sup>rd</sup> of *Edw. 3.* but by Acts of *Common-Council* made in the 49<sup>th</sup> *Ed. 3.* and 4<sup>th</sup> *Hen. 5.* they provided for the Preservation and Security of their own Privilege, through disclaiming the being hinder'd, restrain'd, or prescrib'd unto in their Choice, by any Power or Authority resulting from my Lord Mayor's Nomination. And as this was all, both for the

matter and manner that was practiced by the Mayors, and allowed by the Citizens for about 160 years; so the Formality of drinking to one at the Bridge-house, which was introduc'd and obtain'd about the beginning of *Hen. 8.* was no more accounted of, than a recommending to the *Commons* the Person that was drank unto, as one that might deserve their Consideration, in the Election they were to make of next Sheriffs. Accordingly the Person so recommended, was not only during the Infancy of this Custom, and the modesty wherewith it was exercised, sometimes waved and rejected by the *Common-Hall*, as in 29<sup>th</sup> of *Eliz.* But even after it became both challenged as Prerogative of the Chair, and had received an Establishment by a Law of *Common-Council*, in 7 *Ch. 1.* several Persons thus nominated, and pretended to be elected by Mayors, have been refused, and precluded by the Vote and Authority of the *Commons*, as in 19. *Ch. 1.* and 32. *Ch. 2.* How incongruous would it now be for the Citizens of *London* to wear Chains, while all the Nation besides is freed from its Fetters? And while others rejoice in their being rescued from the Invasions made upon their Rights and Liberties by Kings, shall we be fond of continuing enslaved to the Usurpations of those, whom we our selves advanced into Office? What the Kingdom would not allow to the Throne, let not us gratify the Chair with. What we envied our late Kings after the surrender of the Charter, let us not part with to my Lord Mayor, when restored to the Possession of it. We are favoured with an opportunity, which may never be recovered, if we now suffer it to be lost. And therefore let us not only assert and vindicate our Right of choosing two Sheriffs, but let us likewise endeavour to retrieve that Power which hath been wrested from us by the Bench, of discharging without our Consent and Concurrence; those whom we shall think fit to Elect. And what hath been so happily begun and practic'd in the Cases of Sir Christopher Leinbelier, and Sir John Hubbard, let us continue to maintain the same in relation to all others. 'Tis Pageantry for us to pretend a Right to Elect, while others than the Electors can discharge the Persons that are Elected.

*Those at present offered to the Vote of the Common-Hall, Are*

Sir WILLIAM ASHHURST, Kt. and Ald.  
Alderman LEVITT,

for Sheriffs

LEONARD ROBINSON for Chamberlain.

GOODFELLOW, Esq; the present Town-Clark.

HENRY CHRIST, Esq; the present Common-Sergeant.

NICHOLS, } the present Bridge-Masters.

ISA. PULLER, }

To be Elected, and continue in their Offices.

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J Grant Collector  
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